REMARKS

In the outstanding Official Action, the Examiner required restriction under 35 U.S.C. § 121 and 372. The Examiner asserted that the application contains claims directed to inventions or groups of inventions which do not form a single general inventive concept. The Examiner asserted that a single invention must be elected and indicated that the plural inventions defined by the claims of the present application are as follows:

Group I, to which claims 1-4 and 10-17 are directed, is drawn to a system for assisting selection of a power tool, and which is classified in class 700, subclass 179.

Group II, to which claims 5-9 are directed, is drawn to a power tool comprising a use record memory, which is classified in class 700, subclass 174.

The Examiner asserted that the above-noted inventions of Groups I and II do not relate to a single inventive concept because they lack the same or corresponding special technical features. In particular, the Examiner indicated that the claims of Group II do not include power tool selection.

As noted above, by the present response, Applicants have elected for prosecution in the present application, Group I, to which claims 1-4 and 10-17 are directed, with traverse, for the following reasons.

Applicants submit that restriction is not appropriate with respect to the claims in the present application. Thus, Applicants respectfully request withdrawal of the outstanding Restriction Requirement and an action on the merits of claims 1-17.

In particular, Applicants note that the classification of the claims directed to Groups I and II are in closely adjacent subclasses. In other words, the system for assisting selection of a power tool is related to the power tool which includes a record use memory by their U.S.

classification system and thus, at least for purposes of examination efficiency, should not be restricted therefrom.

Additionally, Applicants note that record use memory is an essential feature of both the selection assisting system of Group I as well as the power tool of Group II. For this additional reason, Applicants submit that restriction is not appropriate in the present application.

Finally, Applicants note that the Examiner has failed to set forth the existence of a serious burden in the event that restriction is not required in the present application. In this regard, Applicants note that M.P.E.P. § 803 requires a showing regarding serious burden. In the present application, the Examiner has not set forth any evidence of serious burden, and Applicants respectfully submit that there is no serious burden in the present application at least because only several claims are non-elected and as well as because of the closely adjacent nature of the classifications of the claims defining the two groups of inventions. Thus, there would be a significant overlap in the search and thus there would be no serious burden on the Examiner in examining all of these claims in the present application.

Accordingly, for each of the above-noted reasons and certainly for all of the above-noted reasons, Applicants respectfully request reconsideration and withdrawal of the outstanding Restriction Requirement. Nevertheless, should the Examiner not choose to reconsider and withdraw the requirement, Applicants have elected the claims of Group I (claims 1-4 and 10-17) for examination in the present application).

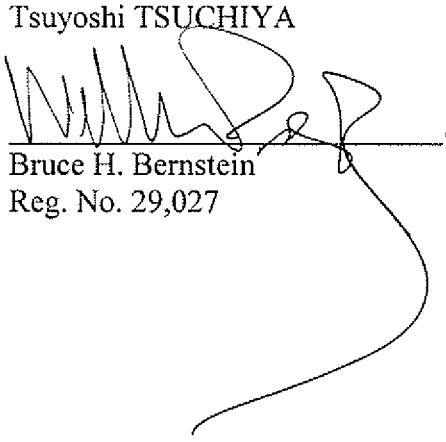
SUMMARY AND CONCLUSION

Applicants have addressed the Examiner's Restriction Requirement and have traversed the same. Applicants have additionally elected, with traverse, the claims defined by the Examiner as comprising Group I in the event that the Examiner chooses not to reconsider and withdraw the outstanding Restriction Requirement.

Accordingly, Applicants respectfully request an action on the merits, in due course.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Tsuyoshi TSUCHIYA



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